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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,721	04/30/2001	Klaus G. Schmitt	GER5272	2146

7590 11/12/2003

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EXAMINER
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SAETHER, FLEMMING

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 11/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/830,721

Applicant(s)

SCHMITT ET AL.

Examiner

Flemming Saether

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 20-38 is/are pending in the application.
- 4a) Of the above claim(s) 20-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to:
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

***Election/Restriction***

Applicant's election of Group II, claims 25-38 with traverse is acknowledged. The traversal is on the grounds that each group requires the use of titanium to facilitate welding which should be the focus of the search. The examiner agrees that the titanium is an important aspect of the instant invention but, another important aspect is the titanium being arc welded. Indeed, the applicant even argues that it is the arc welding which defines over the rejection set forth in the previous office action.

The prior remarks notwithstanding, the criteria for the restriction only requires that the product can be made by a different method which in the instant case, the product could be made without arc welding.

In view of the above, the restriction is maintained and claims 20-24 are withdrawn accordingly.

***Claim Objections***

Claim 28 is objected to because of the following informalities: it should be dependent from claim 26 or 27 to provide proper antecedent basis. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 25, 29, 30, 31 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Dash (US 2,491,479). Dash discloses a method of attaching the head of an aluminum stud (29) onto an aluminum plate (17) by arc welding (see column 2, the last paragraph). The stud includes a percent of titanium (column 2, line 19) and, at least some of that titanium inherently would comprise a surface of the stud. The plate is disclosed as being a "bulkhead" which would be part of some form of motor vehicle.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26-28, and 33-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dash as applied to claims 25 and 32 above, and further in view of Martin (US 2,670,424) and Konnert (US 4,326,894). Dash does not disclose the titanium being applied as a coating to the surface of the stud by an acidic solution. Martin discloses coating the end of a stud to be arc welded with a metal (column 2, line 42-44) and further discloses coating to be (column 4, the paragraph beginning line 38). At the time the invention was made, it would have been obvious for one of ordinary skill in the art to provide the stud of Dash with a titanium coating as disclosed in Martin in

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order to improve the weld as discussed throughout Martin. Martin discloses the titanium could be sprayed on (column 3, line 26-29) but, does not disclose an acidic solution. Konnert also discloses a method of coating an aluminum part with a chromium-free titanium by applying a titanium fluoride acid solution (see the first paragraph of the Detailed Description). At the time the invention was made, it would have been obvious for one of ordinary skill in the art to coat the aluminum part of modified Dash with a solution as disclosed in Konnert in order to improve the coating process as described in Konnert. The specific concentration, time and temperature of solution would have been recognized depending upon the application or use of the coated part. The acidic solution being ALODINE 2040 would have been obvious to use since it is a known commercially available acidic solution.

### ***Conclusion***

Applicant's remarks have been considered but, are now moot in view of the new grounds of rejection.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kurup (US 5,618,491) is cited to show a stud including both aluminum and titanium which can be either arc or resistance welded.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 703-308-0182. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on 703-308-1159. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.



Flemming Saether  
Primary Examiner  
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